

**Board of Pilot Commissioners for the Bays
of San Francisco, San Pablo, and Suisun**

660 Davis Street, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
bopc@ca.gov



November 9, 2015

NOTICE OF MONTHLY BOARD MEETING

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will meet on Thursday, November 19, 2015, at 9:30 a.m. at the Board office at 660 Davis Street, San Francisco, California.

Items of business scheduled for the meeting are listed on the attached agenda. There may be recesses at the discretion of the President.

The meeting will be public. This meeting is accessible to the physically disabled. Persons requesting further information or needing an accommodation or modification to enable participation should call the Board office at (415) 397-2253, or write to the Board at the above address. Requests for accommodation should be made no later than five (5) working days before the meeting.

BOARD OF PILOT COMMISSIONERS

A handwritten signature in blue ink, appearing to read 'Allen Garfinkle'.

Allen Garfinkle
Executive Director

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This notice and agenda may also be found on the Board's website:
www.bopc.ca.gov

**Board of Pilot Commissioners
for the Bays of San Francisco, San Pablo, and Suisun
Monthly Board Meeting
November 19, 2015 at 9:30 a.m.**

MEETING AGENDA

OPEN MEETING:

1. Call to Order and Roll Call – President Johnston
2. Review and approval of Board meeting minutes – President Johnston

Board action to approve Board meeting minutes from the meeting held on October 22, 2015.

3. Announcements – President Johnston

Announcement of events affecting Board business since the last Board meeting.

4. Board Member Activities – Board Members

Reports by Board Members having Board business-related activities since the last monthly Board meeting or planned prospectively.

5. Directors' Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Correspondence and activities since the Board meeting held on October 22, 2015.

B) Report on pilot licensing matters in the past month and current month.

C) Report on Board surcharges.

D) Report on legislative activities and contractual matters.

6. Port Agent's Report – San Francisco Bar Pilot (SFBP) Port Agent Capt. Peter McIsaac

A) Monthly report on pilot availability and absences.

B) Monthly report on SFBP ship piloting business activity.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board. **The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.**

7. Pilot Evaluation Committee – Captain Einar Nyborg

Report on the Pilot Evaluation Committee meeting held on November 18, 2015.

8. Reported safety standard violations – Executive Director Garfinkle

No reported Safety Standard Violations since the last meeting. (Reports received between the issuance of this notice and the meeting will be reported on.)

9. Reportable Piloting Events – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will be reported on.)

A) Status report on the interaction between the M/V FUJI GALAXY and the M/V CS SARAFINA, on April 28, 2015, when the M/V FUJI GALAXY was underway into the Port of Stockton and the M/V CS SARAFINA, moored at Berth 10, Port of Stockton, suffered damage to her gangway. **Possible Board action to grant an extension to present the M/V FUJI GALAXY Incident Review Committee incident report to the December Board meeting. If an extension is requested, the delay in presenting the report will be due to staff workload.**

B) Status report on the allision of the M/V JIANGMEN TRADER with San Joaquin River lighted marker 47 on June 27, 2015. **Possible Board action to grant an extension to present the M/V JIANGMEN TRADER Incident Review Committee incident report at the December Board meeting. If an extension is requested, the delay in presenting the report will be due to staff workload.**

10. Loss of Propulsion/low sulfur fuel report – Executive Director Garfinkle

Report on loss of propulsion events arising since last meeting, including those events suspected to be due to low sulfur fuel issues.

11. Finance Committee – Commissioner Schneider

A) Report on the Finance Committee held on November 17, 2015.

B) Review Board Operations Surcharge (currently 1.0%), Pilot Continuing Education Surcharge (currently \$5 per move), Pilot Trainee Training Surcharge (currently \$10/trainee/move), Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327). Possible recommendation by the Finance Committee to increase or decrease the amount of any of the surcharges. **Possible Board action to approve changes to the surcharge amounts as may be recommended by the Finance Committee, if any.**

12. Joint Pilot Safety Committee and Continuing Education Committee – Commissioner Livingstone

- A) Report on Joint Pilot Safety and Continuing Education Committee held on November 17, 2015.
- B) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee (Committee) to the Board to approve draft letter of endorsement from the Board in support of the under keel clearance (UKC) study for the San Francisco Bay Main Ship Channel. **Possible Board action to approve letter of endorsement of UKC study for the San Francisco Bay Main Ship Channel.**
- C) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee to the Board to approve changes in the Pilot Continuing Education Program currently provided to licensees pertaining to the periodicity of existing training, the implementation of additional training, or the modification of existing training modules. **Possible Board action to approve changes to the Pilot Continuing Education Program curricula.**
- D) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee to the Board to approve initiation of some form of evaluation of pilots while underway and piloting. **Possible Board action to approve initiation of some form of evaluation of pilots while underway and piloting.**

13. Board Rulemaking status report – Executive Director Garfinkle/Assistant Director Cristia-Plant/Board Counsel Eagan

Report on the status and progress of various Board rulemaking efforts, including the following sections in Title 7 California Code of Regulations:

- A) Section 222 – Conflicts of Interest (add Port Agent Conflict of Interest regulation). **Possible recommendation to the Board to approve Initial Statement of Reasons and Notice of Proposed Rulemaking for submission to California State Transportation Agency, Department of Finance, and Office of Administrative Law.**
- B) Section 211.5 – Commission Investigator Minimum Standards (amend minimum qualifications standards).
- C) Section 213 – Pilot Trainees (add exam fee and clean-up of regulations).
- D) Section 215 – Pilot and Inland Pilot Training (add fatigue management and radar navigation in low/restricted visibility training and clean-up).
- E) Section 218 – Duties of Port Agent (amend requirement for assignments of pilots with under 12 and 18 months experience).

14. Board Meeting Calendar for 2016 – Executive Director Garfinkle

Presentation of draft Board meeting calendar for 2016. **Possible Board action to approve draft Board meeting calendar for 2016.**

15. Pension Committee – Commissioner Connolly

A) Report on Pension Committee meeting held on November 17, 2015.

B) Possible recommendation to Board to approve Pension Committee draft mission statement. **Possible Board action to accept Pension Committee draft mission statement.**

C) Possible recommendation to Board to direct the Executive Director, as the Pilot Pension Plan Fiduciary, to retain the services of an actuary to conduct a study to assess the actuarial projection of the Pilot Pension Plan retirement benefits. **Possible Board action to direct the Executive Director, as Pilot Pension Plan Fiduciary, to retain the services of an actuary to conduct a study to assess the actuarial projection of the Pilot Pension Plan retirement benefits.**

16. Rules and Regulations Committee – Commissioner Long

A) Report on the Rules and Regulation Committee held on November 17, 2015.

B) Possible recommendation to the Board to approve the draft 2016 Rulemaking Calendar for submission to the Office of Administrative Law (OAL). **Possible Board action to approve the draft 2016 Rulemaking Calendar for submission to OAL.**

17. Report on the status of Public Records Act litigation – Board Counsel Eagan

Status report on Public Records Act litigation: Pacific Merchant Shipping Association vs. BOPC and Peter McIsaac as Port Agent, Writ of Mandate. **The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

18. Report on Board of Pilot Commissioners vs. Fair Political Practices Commission litigation initiated by the Board on March 3, 2015 – Executive Director Garfinkle/Assistant Director Cristia-Plant

Progress report on Board of Pilot Commissioners vs. Fair Political Practices Commission. **The Board may go into closed session to discuss with the Executive Director/Assistant Director, any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

19. Report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation initiated by Captain Craig Reeder on December 17, 2014 – Board Counsel Eagan

Progress report on Reeder vs. Board of Pilot Commissioners. **The Board may go into closed session to discuss with the Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

20. Board discussion of best practices in maritime safety – Vice President Connolly

A Board discussion of best practices in maritime safety and/or lessons learned from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures.

21. Incident Review Committee incident report on the M/V FUJI GALAXY - President Johnston

A presentation of the Incident Review Committee incident report concerning the interaction between the M/V FUJI GALAXY and the M/V CS SARAFINA in the Port of Stockton on April 28, 2015. **Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).**

22. Public comment on matters not on the agenda.

23. Proposals for additions to next month's agenda.

24. Adjournment.